

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SHELDON GORDON, et al.	:	Case No.1:05CV2726
Plaintiffs,	:	
	:	JUDGE KATHLEEN O'MALLEY
v.	:	
DAVID DADANTE et al.,	:	<u>MEMORANDUM & ORDER</u>
Defendants.	:	

Before the Court is Mark Dottore's (the "Receiver") October 6, 2008 *Motion for Conditional and Final Approval of a Settlement with Innotrac Corporation*. (Doc. 392.) The Court will conduct a full hearing on this matter November 5, 2008. (See Doc 393.) The Court has ordered that any objections or statements in support of this agreement be made in writing and filed no later than 5:00pm on October 29, 2008. (See *id.*) The Court has also ordered that parties represented by counsel file their statements through that counsel. (See *id.*) The Court now supplements this portion of its order in light of the confusion that has sometimes arisen in this litigation regarding when the various counselors who have appeared before this Court speak with the full authority of all clients they believe they were engaged to represent.

The Court hereby orders that any statements filed by counsel, whether objecting to or expressing support for the settlement, be accompanied by a signed statement by any individual plaintiff represented by that counsel. This statement must be detailed enough to reflect that the client has an accurate understanding of the aspects and implications of the settlement and any objections thereto. Furthermore, the statement must explicitly certify that counsel has explained the terms of

the settlement and potential recovery to that individual plaintiff. The statement may not take the form of boilerplate. For purposes of this motion, the Court will treat attorneys as representing only those individual plaintiffs who have complied with this procedure. Plaintiffs who do not comply with this procedure will be presumed to defer to the judgement of the Receiver in this matter.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: October 16, 2008